



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,869	10/14/2001	Jeffrey Charles Hawkins	24772-10592	3748

758 7590 02/24/2006

FENWICK & WEST LLP  
SILICON VALLEY CENTER  
801 CALIFORNIA STREET  
MOUNTAIN VIEW, CA 94041

EXAMINER
----------

HAROLD, JEFFEREY F

ART UNIT	PAPER NUMBER
----------	--------------

2646

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/977,869

Applicant(s)

HAWKINS ET AL.

Examiner

Jefferey F. Harold

Art Unit

2646

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones, Jr. (United States Patent 5,974,334), in view of Haraguchi et al. (United States Patent 6,813,146), hereinafter referenced as Haraguchi.

Regarding claim 1, Jones, Jr. discloses a multi-positional handset for personal digital assistant. In addition, Jones, Jr. discloses a mobile device comprising: personal digital assistant which reads on claimed "at least one mobile computing application"; and a mobile telephone unit, which reads on claimed "at least one phone application", an inherent user controllable input switch having multiple operational modes, wherein a input switch is inherent as evidenced by the fact that one of ordinary skill in the art would have recognized that the switch would have been provided for the purpose of navigating between the mobile telephone mode and the personal digital assistant mode, further wherein a plurality of operational modes direct the operation of mobile computing application, and a plurality of operational modes direct the operation of the phone applications, as disclosed at column 3, lines 7-65 and exhibited in figures 1-3, however, Jones, Jr. fails to disclose a pivoting switch. However, the examiner maintains that it was well known in the art to provide a pivoting switch, as taught by Haraguchi.

In a similar field of endeavor Haraguchi discloses a portable information terminal. In addition, Haraguchi discloses a jog dial (17), used to navigate between various menu functions, as disclosed at column 5, lines 30-48 and exhibited in figures 1-5

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the switch of Jones, Jr. by specifically providing pivoting switch, as taught by Haraguchi, for the purpose of providing fast and simple accesses to the function within a mobile communication device.

Regarding claims 2, 3 and 5, Jones, Jr. and Haraguchi, disclose everything claimed as applied above (see claim 1), in addition Haraguchi discloses wherein the pivot switch rotates about an axis both clockwise and counter clockwise to access function of the terminal, as disclosed by Haraguchi in figures 7-11, thus claims 2 and 5 are rejected by Jones, Jr. in view of Haraguchi.

Regarding claims 6-12, Jones, Jr. and Haraguchi, disclose everything claimed as applied above (see claim 5), in addition, the jog dial of Haraguchi operation in multiple modes (i.e. rotate up/down and depressed). Further, the cellular phone functions claimed in claims 5-12 are standard function; and Haraguchi discloses accessing and activating the functions via the jog wheel, thus claims 6-12 are rejected by Jones, Jr. in view of Haraguchi.

Regarding claims 13-34, they are interpreted and thus rejected for the reasons set forth above in the rejection of claims 1-3 and 4-12.

**Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones, Jr. in view of Haraguchi, further in view of well know prior art (MPEP 2144.03).

Regarding **claim 4**, Jones, Jr. and Haraguchi, the combination disclose everything claimed, as applied above, (see claim 2), however, Jones, Jr. and Haraguchi, the combination fails to disclose a rocking switch. However, the examiner takes official notice of the fact that it was well know in the art to provide rocking.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Jones, Jr. and Haraguchic, the combination by specifically providing rocking switch, for the purpose of accessing data/modes within a mobile communication device.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferey F. Harold whose telephone number is 571-272-7519. The examiner can normally be reached on Monday - Friday 9 am - 5:30 pm.

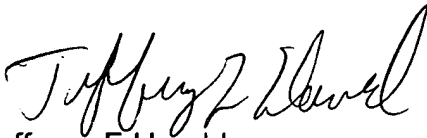
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh H. Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2646

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JFH  
February 17, 2006



Jefferey F Harold  
Primary Examiner  
Art Unit 2646